

REMARKSClaim Rejections – 35 U.S.C. § 103

The Examiner has rejected claims 1-7, 9-11, 19-25, and 27-29 under 35 U.S.C §103(a), as being obvious over Bates et al. (US Pat 7,080,402) (“Bates”) in view of Hayduk (US Pub 2003/0054833) (“Hayduk”). For the reasons set forth below, Applicant asserts that the cited references fail to teach, suggest, or render obvious Applicant’s invention as claimed in claims 1-7, 9-11, 19-25, and 27-29.

Bates discloses applications/functions within an electronic processing device having a GPS card and antenna, such as a laptop or personal digital assistant, can be enabled only when in a specified geographic location. (Bates abstract) (Emphasis added) Bates further discloses “the geographic location of the electronic processing device is determined, preferably by using the GPS signals received using GPS processing electronics installed in the device.” (Bates, column 7, lines 13-16) (Emphasis added)

Hayduk discloses a system that includes a mobile element having user service preferences whose position is monitored by a position monitoring module. (Hayduk abstract)

With respect to independent claim 1 in the presently claimed invention, Applicant teaches and claims:

“A method, comprising, establishing a connection between a wireless electronic device and one or more supervisory devices associated with a local area of wireless coverage, the wireless electronic device sending device preference and capability information

to at least one of the one or more supervisory devices, at least one of the one or more supervisory devices sending local area preference and restriction information to the wireless electronic device, and determining which functions are available for use on the wireless device in the local area using the device preference and capability information and the local area preference and restriction information.”

(Claim 1) (Emphasis added)

Applicant asserts that Bates and Hayduk do not teach, suggest, or render obvious Applicant's invention as claimed in independent claim 1 because Bates, contrary to the Examiner's opinion, does not teach at least *the wireless electronic device sending device preference and capability information to at least one of the one or more supervisory devices*. In the past two office actions, the Examiner has equated global positioning system (GPS) satellites and ground-based stations in Bates as being the same as Applicant's local area supervisory devices. With the highlighted claim language, this is impossible. **GPS is, by definition, a one-way communication technology.** GPS satellites and stations send out location information to GPS receivers and the receivers calculate their locations based on that information. **GPS satellites and stations do not receive information from the GPS receiver devices.**

Furthermore, the Examiner has explicitly stated that Bates electronic processing device (i.e. wireless device) “must communicate with a base station or a supervisory device” (Examiner's office action, page 4). If by this statement the Examiner is specifically stating that the electronic processing device sends a communication to the base station or supervisory device (i.e. GPS satellite in Bates), the Examiner is incorrect.

Bates system inherently does not have the electronic processing device sending anything to the supervisory device because Bates supervisory device is a GPS satellite. As stated above, GPS satellites only send information to wireless devices, they do not receive information from wireless devices. In contrast to Bates, Applicant's limitation specifically states that the wireless electronic device "sends" information to one or more supervisory devices. Thus, contrary to the Examiner's opinion, Bates at least does not teach the wireless electronic device sending device preference and capability information to at least one of the one or more supervisory devices, Applicant respectfully submits that Bates and Hayduk, each taken alone or in combination, do not render independent claim 1 obvious.

Independent claim 19 includes limitations similar to claim 1. Thus, for at least the same reasons as advanced above with respect to claim 1, Applicant submits that Bates and Hayduk, each taken alone or in combination, do not render independent claim 19 obvious.

Claims 2-7, 9-11, 20-25, and 27-29 depend from and further limit independent claims 1 and 19, respectively. Thus, for at least the same reasons as advanced above with respect to independent claims 1 and 19, Applicant submits that Bates and Hayduk, each taken alone or in combination, do not render claims 2-7, 9-11, 20-25, and 27-29 obvious.

Therefore, Applicant respectfully requests removal of the 35 U.S.C §103(a) rejection of claims 1-7, 9-11, 19-25, and 27-29.

The Examiner has rejected claims 8 and 26 under 35 U.S.C. 103(a) as being unpatentable over Bates in view of Hayduk and further in view of Daniels et al. (US App

2004/0259574) (“Daniels”). Applicant asserts that the cited references fail to teach, suggest, or render obvious Applicant’s invention as claimed in claims 8 and 26.

Claims 8 and 26 are dependent upon independent claims 1 and 19, respectively. Thus, for at least the same reasons advanced above with respect to independent claims 1 and 19, Applicant respectfully submits that Bates, Hayduk, and Daniels, each taken alone or in combination, do not render these dependent claims obvious.

Therefore, Applicant respectfully requests removal of the 35 U.S.C. 103(a) rejection of claims 8 and 26.

CONCLUSION

Applicant respectfully submits that all rejections have been overcome and that all pending claims are in condition for allowance.

If there are any additional charges, please charge them to our Deposit Account Number 50-4238. If a telephone conference would facilitate the prosecution of this application, the Examiner is invited to contact Derek J. Reynolds at (916) 356-5374.

Respectfully Submitted,

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